

RECEIVED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAR 14 2008 *aw*
Mar 14 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

JERMAINE WALKER

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

ERIC MICHAELEK

DANIEL LUCE

DAVID MANSFIELD

T. GARCIA

08CV1542

JUDGE BUCKLO

MAG. JUDGE BROWN

Case No: _____
(To be supplied by the Clerk of this Court)

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

X

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: JERMAINE WALKER
- B. List all aliases: _____
- C. Prisoner identification number: B-52757
- D. Place of present confinement: HILL CORRECTIONAL CENTER
- E. Address: P.O. BOX 1700, GALESBURG, IL 61402

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: ERIC J. MICHAELEK
 Title: CORRECTIONAL OFFICER
 Place of Employment: (N.R.C.) STATEVILLE C.C.
- B. Defendant: T. GARCIA
 Title: CORRECTIONAL GRIEVANCE OFFICER
 Place of Employment: (N.R.C.) STATEVILLE C.C.
- C. Defendant: DANIEL P. LUCE
 Title: CORRECTIONAL COUNSELOR
 Place of Employment: (N.R.C.) STATEVILLE C.C.
- D. Defendant: DAVID MANSFIELD
 Title: CORRECTIONAL COUNSELOR
 Place of Employment: (N.R.C.) STATEVILLE C.C.

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (X) NO () If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (X) NO ()

C. If your answer is YES:

1. What steps did you take?

• (4/5/07) FILED EMERGENCY GRIEVANCE, DEPRIVED LAW ACCESS TO THE COURTS.

• (5/16/07) FILED GRIEVANCE FOR OPENED LEGAL MAIL FROM SUPREME COURT.

• (6/6/07) FILED GRIEVANCE FOR OPENING AND READING LEGAL MAIL CONFIDENTIALITY.

• (6/13/07) FILED GRIEVANCE FOR ALL MAIL HANDLINGS WERE DELIBERATELY DELAYED FOR WEEKS.

2. What was the result?

4/5/07 and 5/16/07 GRIEVANCES WENT IGNORED AND DENIED LAW LIBRARY ACCESS.

6/6/07 DISCIPLINARY GRIEVANCE WAS NOT INVESTIGATED OR PROCESSED BY N.R.C.'s GRIEVANCE OFFICER (T. GARCIA), BUT IMMEDIATELY FORWARDED TO (A.R.B.).

3. If the grievance was not resolved to your satisfaction, did you appeal? What was the result (if there was no procedure for appeal, so state.)

D. If your answer is NO, explain why not:

UNCONSTITUTIONALLY SEGREGATED, DISCRIMINATION, DELIBERATE INDIFFERENCE, OBSTRUCTION OF JUSTICE. SO I WROTE MY GOVERNOR AND I.D.O.'s DIRECTOR ABOUT (N.R.C) OFFICIALS' CULPABLE PERFORMANCE, AND CRUEL AND UNUSUAL PUNISHMENT.

E. Is the grievance procedure now completed? YES (X) NO ()

F. If there is no grievance procedure in the institution, did you complain to authorities? YES () NO ()

G. If your answer is YES:

1. What steps did you take?

2. What was the result?

H. If your answer is NO, explain why not:

List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: JERMAINE WALKER VS. I.D.O.C.
No. (04 CC 0223)
- B. Approximate date of filing lawsuit: AUGUST 05, 2003
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: JERMAINE WALKER
- D. List all defendants: ILLINOIS DEPARTMENT OF CORRECTIONS
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): COURT OF CLAIMS, COOK COUNTY
- F. Name of judge to whom case was assigned: JUDGE STEFFAN
- G. Basic claim made: PERSONAL INJURY
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): PENDING
- I. Approximate date of disposition: CLOSED (4/7/06) — REOPEN (6/15/07)

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: BULLOCK vs. SHEAHAN
NO. (06 C 0493)
- B. Approximate date of filing lawsuit: DECEMBER 14, 2006
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: ROBERT JACKSON, JERMAINE WALKER, et al.
- D. List all defendants: SHERIFF OF COOK COUNTY AND COOK COUNTY
ILLINOIS
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NORTHERN DISTRICT OF ILLINOIS
- F. Name of judge to whom case was assigned: JUDGE DAVID H. COAR
- G. Basic claim made: JAIL'S PRACTICE AND/OR POLICY OF STRIP
SEARCHING
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): PENDING
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: JERMAINE WALKER vs. MCCANN, et al.
No. 07 C 3083
- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: JERMAINE WALKER

- D. List all defendants: TERRY MCCANN, VENITA WRIGHT, MARK HOSEY,
PHILLIP MICHEL, SAMUEL NANCE, GARY COOPER, KEENAN YOUNG

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NORTHERN DISTRICT OF ILLINOIS
- F. Name of judge to whom case was assigned: JUDGE ELAINE E. BUCKLO
- G. Basic claim made: RELIGIOUS INFRINGEMENT

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): PENDING

- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

1.) On March 13, 2007, plaintiff was admitted to (N.R.C.) Stateville C.C., and upon entry, the Officials deliberately deprived his CIVIL RIGHTS. Faithfully exercising his beliefs, prison Officials act of bias established patterns of mistreatment: it enforced excessive punishment, delayed a primary transfer pass the statue of limitation, deprived law material access, extremely delayed express mail, priority mail, normal mail, and intentionally opened and read LEGAL MAIL. Correctional Counselors (DANIEL LUCE and DAVID MANSFIELD) were clearly made aware of all these incidents because of personal cell visits, request slips, and submitted grievances by the plaintiff.

2.) On May 7, 2007, stopping my Legal mail from interference, I placed (BYRON LASTER B-69174), a former cellmate's information on the front of the envelope. I enclosed two letters to the I.D.O.C.'s Director (ROGER E. WALKER, JR.).

3.) On May 11, 2007, two months later still illegally held hostage in 24 hours a day confinement. I was making sure my legal mail made it safely out the institution. So, I had to put former cellmate (JUAN RAMIREZ R-61350) name outside the envelope. I enclosed and sealed the revised grievance, with two letters about my health and well being at (N.R.C.), and mailed it to our Governor (ROD R. BLAGOJEVICH).

4.) On May 16, 2007, plaintiff received opened legal mail with the Supreme Court seal on the enclosed correspondence from (C.O. JOHNSON #5105). All my incoming and outgoing mail addressed to the Supreme Court was opened and read without my presence. Correctional Officer (ERIC MICHAELEK) is the (N.R.C.)'s designated Legal Mail Officer, and absolutely responsible for distributing all legal mail in the presence of an offender. C.O. (ERIC MICHAELEK) disrespected and intentionally ignored the coming-in legal envelope, stamp representation, "PERSONAL and CONFIDENTIAL", deliberately interfered and turned a blinded eye to the enclosed official seal of the SUPREME COURT.

5.) On June 1, 2007, located at (N.R.C.)'s cell (RW209), C.O. (ERIC MICHAELEK) was handing out a returned LEGAL MAIL envelope to a former cellmate (TOLLIVER R-54589). In the process of opening this legal mail in the presence of the aforesaid Offender, and watching for falling contraband. C.O. (ERIC MICHAELEK) go way above and beyond the call of duties and illegally read the entire plaintiff's letter address to the U.S. DISTRICT COURT. On (6/1/07), shielding his culpable performance, he wrote the plaintiff and Offender (TOLLIVER R-54589) disciplinary reports. At the same time of this incident, the plaintiff was located in segregation cell (RA105).

6.) On June 5, 2007, located at my segregation cell (RA105), C.O. (CLEO JOHNSON) of the Adjustment Committee served me with the aforesaid disciplinary report with a 24 hours notice of hearing. On June 6, 2007, I immediately submitted a disciplinary grievance to (N.R.C.)'s Grievance Officer (T. GARCIA). On June 7, 2007, the next following day, I heard the ticket, and submitted a innocent "WRITTEN STATEMENT."

7.) On July 17, 2007, segregated at Pontiac C.C., I received from (N.R.C.)'s Grievance Officer (T. GARCIA), a memorandum dated July 5, 2007, and my unanswered grievance dated June 6, 2007. Who indicated, "I FOUND NO TICKET IN SYSTEM PERTAINING TO LEGAL MAIL," and denied the plaintiff **DUE PROCESS**, for not completing the grievance investigation process. As a result of this deprivation, the memorandum, unanswered grievance, written statement, and the Adjustment Committee's summary was forwarded to the (A.R.B) on July 25, 2007. All in all, the above aforementioned parties facilitated, participated and caused the plaintiff direct and irreparable legal injuries, plus absolutely liable for the plaintiff's illegal confined segregation.

VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- 1.) TO BE REWARDED \$2,000,000.⁰⁰ (TWO MILLION DOLLARS).
- 2.) TO BE COMPENSATED FOR EACH DAY IN UNLAWFUL CONFINEMENT.
- 3.) TO BE GRANTED ALL RELIEFS REQUESTED ON GRIEVANCES.
- 4.) FOR THE COURT TO ENFORCE CHARGES AND PENALTIES.

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 27th day of FEB., 20 08

Jermaine Walker

(Signature of plaintiff or plaintiffs)

JERMAINE WALKER

(Print name)

B-52757

(I.D. Number)

HILL C.C.

P.O. BOX 1700

GALESBURG, IL. 61402

(Address)